

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN JARMON,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
EDWARD KLEM, et al.,	:	NO. 04-5122
Respondents.	:	

M E M O R A N D U M A N D O R D E R

PRATTER, J.

OCTOBER 25, 2007

_____ In this habeas corpus action brought by John Jarmon, a state prisoner, under 28 U.S.C. § 2254, the Honorable Jacob P. Hart, United States Magistrate Judge, has filed a thorough, comprehensive and well-reasoned Report, reflecting a detailed examination of the background of this case and a thoughtful consideration of the issues or arguably potential issues. The Magistrate Judge's Report recommends that the petition for writ of habeas corpus should be denied. Mr. Jarmon has filed objections to Magistrate Judge Hart's Report,¹ but the objections consist merely of reiterating arguments previously made, asserting general disagreement with various aspects of the Report, or asserting boilerplate "legal" objections that provide no actual support for his claims, or are not responsive to Magistrate Judge Hart's conclusions. The Court concludes that the record review and analysis Magistrate Judge Hart conducted was entirely appropriate, that he correctly resolved all issues in this action, and that none of Mr. Jarmon's objections have any conceivable merit. Accordingly, Mr. Jarmon's petition will be denied.

An Order follows.

¹ Where a habeas petition has been referred to a magistrate judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), this Court reviews "those portions of the report or specified proposed findings or recommendations to which objection is made" a new. Id. § 636(b)(1)(C). After conducting such a review, this Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." Id.

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O R D E R

AND NOW, this 25th day of October, 2007, upon consideration of Petitioner John Jarmon's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 (Docket No. 1), the Respondents' response thereto (Docket No. 9), the Report and Recommendation filed by Magistrate Judge Jacob P. Hart (Docket No. 10), and Mr. Jarmon's Objections thereto (Docket No. 11), **IT IS ORDERED** that:

1. Petitioner's Objections (Docket No. 11) to Magistrate Judge Hart's Report and Recommendation are **OVERRULED**.
2. The Report and Recommendation (Docket No. 10) is **APPROVED** and **ADOPTED**.
3. The Petition for a writ of habeas corpus (Docket No. 1) is **DISMISSED** and the relief requested therein is **DENIED**.
4. There is no basis for the issuance of a certificate of appealability.²
5. The Clerk of the Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
Gene E.K. Pratter
United States District Judge

² A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000); Lambert v. Blackwell, 387 F.3d 210, 230 (3d Cir. 2004). The Court concludes, for the reasons provided in Magistrate Judge Hart's Report, that there is no probable cause to issue a certificate of appealability in this case.